

Remarks

Claims 7-12 have been withdrawn due to a restriction requirement brought by the Examiner. In the first Office Action, the Examiner requires amendments to the specification, including the title and arrangement of the specification, in accordance with 37 C.F.R. 1.77(b).

With respect to the claims, the Examiner suggests an amendment to claim 7. The Examiner rejects claims 1-3 and 5-6 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,551,467, issued to Booth et al. (hereinafter "Booth") as evidenced by U.S. Patent No. 5,560,587, issued to McCutcheon et al (hereinafter "McCutcheon"). Claims 1 and 3-6 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,988,590, issued to Shiokawa. (hereinafter "Shiokawa") as evidenced by McCutcheon.

By way of this Response, Applicant submits amendments to the specification and claims and add new claims for consideration. Applicant believes these amendments place the case in condition for allowance. Favorable reconsideration and reexamination of the application as amended is respectfully requested.

A. Objections to the Specification

The Examiner requires amendments to the specification, specifically, the title and format of the specification. By way of this Response, Applicant amends the title to be clearly indicative of the invention to which the claims are directed. Further, in accordance with 37 C.F.R. 1.77(b), the specification is amended to reflect the appropriate sections incorporated in the application as filed. Finally, Applicant amends the specification to correct the minor informalities noted by the Examiner in the Office Action.

B. Suggested Amendments to the Claims

The Examiner suggests a minor amendment to claim 7 to correct an informality. Claim 7 was previously withdrawn by Applicant. However, the correction is noted for correction in future prosecution.

C. Rejections Under 35 U.S.C. §102(b)

The Examiner rejects claims 1-3 and 5-6 under 35 U.S.C. § 102(b) as being anticipated by Booth as evidenced by McCutcheon and claims 1 and 3-6 as being anticipated by Shiokawa as evidenced by McCutcheon. Applicant amends independent claim 1 to distinguish over the references cited by the Examiner. MPEP §2131 recites:

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. The identical invention must be shown in as complete detail as is contained in the ... claim.

(Emphasis added). The Examiner indicates that the McCutcheon reference “evidences” the process of removing material by high pressure fluid jetting to create the slot part. However, Applicant cannot find any specific teaching in McCutcheon to support this contention. Further, neither the Shiokawa nor the Booth references specifically teach, disclose or claim providing a metering opening formed in a metallic ball valve formed by the use of high pressure jetting. Since none of the references, individually or in combination, teach, disclose or suggest Applicant’s claimed invention, Applicant believes the claims as presented are not anticipated by the references cited by the Examiner.

Applicant believes that independent claim 1, as amended, does not claim the identical invention as that disclosed in either combination of references applied by the Examiner. As such, Applicant respectfully suggests independent claim 1 and claims 2-6 depending therefrom as currently presented are in condition for allowance.

New claims 13-20 are added to this application by way of this Response. Applicant believes the new claims, as presented, as well as amended claims 1-6, are in condition for allowance. Favorable reconsideration of all claims currently presented in this Response is respectfully requested.

D. Summary


Applicant has made a genuine effort to respond to each and every one of the Examiner's rejections to advance the prosecution of this case. Applicant believes all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested.

A check in the amount of \$510.00 is enclosed to cover the Petition fee. Please charge any additional fees or credit any overpayments as a result of the filing of this paper to our Deposit Account No. 02-3978.

The Examiner is requested to telephone the undersigned to discuss resolution of any remaining issues necessary to place this case in condition for allowance.

Respectfully submitted,

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